

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JAY HEATH, EDWARD SHAPIRO, and
DAISY BECERRA LOPEZ, individually
and on behalf of all similarly situated persons,

Plaintiffs,

v.

INSURANCE TECHNOLOGIES CORP. and
ZYWAVE, INC.,

Defendants.

Case No. 3:21-cv-01444-N

**PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT, AWARD OF ATTORNEYS' FEES, EXPENSES, AND SERVICE
AWARDS**

Plaintiffs Jay Heath, Edward Shapiro, and Daisy Becerra Lopez, individually and behalf of others similarly situated ("Plaintiffs") hereby move this Court for final approval of the class action settlement preliminarily approved by this Court on March 21, 2022. Plaintiffs respectfully request that this Court:

- a. Grant final certification of the Settlement Classes, appoint Plaintiffs Jay Heath, Edward Shapiro, and Daisy Becerra Lopez as Class Representatives and appoint John A. Yanchunis and Ryan D. Maxey of Morgan & Morgan Complex Litigation Group; Gary E. Mason of Mason LLP; M. Anderson Berry of Clayco C. Arnold, a Professional Law Corp.; Gary Klinger of Milberg Coleman Bryson Phillips Grossman, and Joe Kendall of Kendall Law Group, PLLC as Class Counsel;
- b. Approve the requested attorneys' fees in the amounts of \$3,666,666.67, expenses not to exceed \$30,000, and Plaintiffs' requested service awards in the amount of

\$2,000 to each of the three representative Plaintiffs (for a total of \$6,000);

- c. Find that the Notice met the requirements of due process and Federal Rule of Civil Procedure 23;
- d. Find that the terms of the Settlement Agreement fair, reasonable, and adequate and approved, adopted, and incorporated by the Court;
- e. Direct the Parties, their respective attorneys, and the Claims Administrator to consummate the Settlement in accordance with the Court Order and the terms of the Settlement Agreement, and;
- f. Resolve all claims against all parties in this Action and issue the Proposed Final Approval Order.

This Motion is based on the Supporting Memorandum filed herewith; the Settlement Administrator Declaration of Ryan Chumley of Angeion Group, LLC (“Angeion”) in Support of Final Approval filed herewith; the Declaration of Gary M. Klinger in Support of Plaintiffs’ Motion for Final Approval of Class Action Settlement filed herewith; the Settlement Agreement entered into between the parties as well as the Notices issued to the Class at ECF 35-2; Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, Supporting Memorandum, Supporting Declaration, and Firm Resumes at ECF 35, 35-1, and 35-3; and Plaintiffs’ Motion for Approval of Attorneys’ Fees, Expenses, and Service Awards and accompanying documents at ECF 42 and; all other pleadings and papers on file in this action; and any oral argument that may be heard by this Court at or prior to the Final Approval Hearing currently scheduled for September 7, 2022.

Defendants do not oppose the relief sought in this motion.

Wherefore, premises considered, Plaintiffs request that this Court grant this motion and grant the motion for attorneys’ fees, costs, and service awards (ECF No. 42).

Date: July 19, 2022

/s/ Gary M. Klinger

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Attorneys for Plaintiffs and the Class

**Pro hac vice forthcoming*

***Admitted pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on this 19Th day of July, 2022, I caused a true and correct copy of the foregoing document to be filed with the Clerk of the Court for the Northern District of Texas via the Court's CM/ECF system, which will send notification of such filing to the counsel of record in the above-captioned matters.

Date: July 19, 2022

/s/ Gary M. Klinger